

1840 Jan 10

CONSIDERATIONS

On BEHALF of the

British Colonies

COLONISTS.

IN A

LETTER

TO A

NOBLE LORD.

THE SECOND EDITION.



L O N D O N :

Printed for J. ALMON, opposite Burlington
House, in Piccadilly.

M DCC LXV.

[Price One Shilling.]

1765

B

US 2860.20.2

HARVARD COLLEGE LIBRARY
GIFT OF
SAMUEL A. ELIOT
1823

The following Pamphlet was sent to the Publisher, by an unknown Person, from Boston, in New England; with a Request to print it as soon as possible: finding, after a careful Reading, it not to contain any Thing apparently, or particularly offensive to any Party, or Body of Men, he should have thought himself inexcuseable, if he had been the Means of withholding it from the Public.

A

LETTER, &c.

My Lord,

I HAVE read the *Opusculum* of the celebrated Mr. J-----s, called "Objections to the taxation of the colonies by the legislature of Great-Britain, briefly considered." In obedience to your lordships commands, I have thrown a few thoughts on paper, all indeed that I have patience on this melancholy occasion to collect. The gentleman thinks it is "absurd and insolent" to question the expediency and utility of a public measure. He seems to be an utter enemy to the freedom of enquiry after truth, justice and equity. He is not only a zealous advocate for pusillanimous and passive obedience, but for the most implicit faith in the dictatorial mandates of power. The "several patriotic favorite words

B

liberty,

liberty, property, Englishmen, &c." are in his opinion of no use but to "make strong impressions on the more numerous part of mankind who have ears but no understanding." The times have been when the favorite terms *places, pensions, French louis d'ors* and *English guineas*, have made very undue impressions on those who have had votes and voices, but neither honor nor conscience---who have deserved of their country an ax, a gibbet or a halter, much better than a star or garter. The grand aphorism of the British constitution, that "*no Englishman is or can be taxed but by his own consent in person or by his deputy*" is absurdly denied. In a *vain* and most *insolent* attempt to disprove this fundamental principle he exhibits a curious specimen of his talent at chicanery and quibbling. He says that "no man that he knows of is taxed by his own consent." It is a maxim at this day, that the crown by royal prerogative alone can levy no taxes on the subject. One who had any "understanding as well as ears" would from thence be led to conclude that some men must consent to their taxes before they can be imposed.

It has been commonly understood, at least since the glorious revolution, that the consent of the British Lords and Commons, i. e. of all men within the realm, must be obtained to make a tax legal there. The consent of the lords and commons of his majesty's ancient and very respectable kingdom of Ireland, has also been deemed necessary to a taxation of the subjects there. The consent of the two houses of assembly in the colonies has till lately been also thought requisite for the taxation of his majesty's most dutiful and loyal subjects, the colonists. *Sed tempora mutantur.*

I would ask Mr. J----s, if when a knight of a shire, or burghers of a borough, civil military, or errant, possessed of a real estate, votes for a land tax, he does not tax himself and consent to such tax? And does he not by thus voting, tax himself as an *identical* individual, as well as some of his silly neighbours, who "may have ears but no understanding", and be therefore in great danger at a future election of choosing an empty *individuum vagum* to manage their highest concerns. 'Tis much to be lamented that these people with "ears but

without understanding" by certain vulgar low arts, may be as easily led to elect a state auctioneer or a vote seller as the wisest and most upright man in the three kingdoms. We have known some of them cry Hosanna to the man who under God and his King had been their saviour, and the next day appear ready to crucify him. However, when a man in Europe or America, votes a tax on his constituents, if he has any estate, he is at the same time taxing himself, and that by *his own consent*; and of all this he must be conscious, unless we suppose him to be void of common sense.

No one ever contended that "the consent of the very person he chuses to represent him," nor that "the consent of the majority of those who are chosen by himself, *and* others of his fellow subjects to represent them," should be obtained before a tax can be rightfully levied. The pitiful chicanery here, consists wholly in substituting *and* for *or*. If for *and*, we read *or*, as the great Mr. J----s himself inadvertently reads it a little afterwards, the same proposition will be as strictly true, as any political aphorism

aphorism or other general maxim whatever, the theorems of Euclid not excepted; namely, "*that no Englishman, nor indeed any other freeman, is or can be rightfully taxed, but by his own actual consent in person, or by the majority of those who are chosen by himself or others his fellow subjects to represent the whole people.*"

Right reason and the spirit of a free constitution require that the representation of the whole people should be as equal as possible. A perfect equality of representation has been thought impracticable; perhaps the nature of human affairs will not admit of it. But it most certainly might and ought to be more equal than it is at present in any state. The difficulties in the way of a perfectly equal representation are such that in most countries the poor people can obtain none. The lust of power and unreasonable domination are, have been, and I fear ever will be not only impatient of, but above, controul. The Great love pillows of down for their own heads, and chains for those below them. Hence 'tis pretty easy to see how it has been brought about, that in all ages despotism has been
the

the general tho' not quite universal government of the world. No good reason however can be given in any country why every man of a sound mind should not have his vote in the election of a representative. If a man has but little property to protect and defend, yet his life and liberty are things of some importance. Mr. J----s argues only from the vile abuses of power to the continuance and increase of such abuses. This it must be confessed is the common logic of modern politicians and vote sellers. To what purpose is it to ring everlasting changes to the colonists on the cases of Manchester, Birmingham and Sheffield, who return no members? If those now so considerable places are not represented, they ought to be. Besides the counties in which those respectable abodes of tinkers, tinmen, and pedlars lie, return members, so do all the neighbouring cities and boroughs. In the choice of the former, if they have no vote, they must naturally and necessarily have a great influence. I believe every gentleman of a landed estate, near a flourishing manufactory, will be careful enough of its interests. Tho' the great India com-
pany,

pany, as such, returns no members, yet many of the company are returned, and their interests have been ever very carefully attended to.

Mr. J---s says, "by far the major part of the inhabitants of Great Britain are non electors." The more is the pity. "Every Englishman, he tells us, is taxed, and yet not one in twenty is represented." To be consistent, he must here mean that not one in twenty, votes for a representative. So a small minority rules and governs the majority. This may for those in the saddle be clever enough, but can never be right in theory. What *ab initio* could give an absolute unlimited right to one twentieth of a community, to govern the other nineteen by their sovereign will and pleasure? Let him, if his intellects will admit of the research, discover how in any age or country this came to be the fact. Some favourite modern systems must be given up or maintained by a clear open avowal of these *Hobbeian* maxims, viz. That dominion is rightfully founded on force and fraud.---That power universally confers right. --- That war, bloody war, is the real and natural state

state of man---and that he who can find means to buy, sell, enslave, or destroy, the greatest number of his own species, is right worthy to be dubbed a modern politician and an hero. Mr. J---s has a little contemptible flirt at the sacred names of Selden, Locke, and Sidney. But their ideas will not quadrate with the half-born sentiments of a courtier. Their views will never center in the *paricranium* of a modern politician. The characters of their writings cannot be affected by the crudities of a ministerial mercenary pamphleteer. He next proceeds to give us a specimen of his agility in leaping hedge and ditch, and of paddling through thick and thin. He has proved himself greatly skilled in the ancient and honourable sciences of horse-racing, bruising, boxing, and cock-fighting. He offers to "risk the merits of the whole cause on a single question." For this one question he proposes a string of five or six.---To all which I say he may be a very great statesman, but must be a very indifferent lawyer. A good lawyer might risque the merit of a cause on answers, but never would rest it on mere interrogatories. A multiplicity of questions,

questions, especially such as most of Mr. J-----s's, only prove the folly and impertinence of the querist. Answers may be evidence, but none results from questions only. Further, to all his queries, let him take it for a full answer, that his way of reasoning would as well prove that the British house of commons, in fact, represent all the people on the globe,, as those in America. True it is, that from the nature of the British constitution, and also from the idea and nature of a supreme legislature, the parliament represents the whole community or empire, and have an undoubted power, authority, and jurisdiction, over the whole ; and to their final decisions the whole must and ought peaceably to submit. They have an undoubted right also to unite to all intents and purposes, for benefits and burthens, a dominion, or subordinate jurisdiction to the mother state, if the good of the whole requires it. But great tenderness has been shown to the customs of particular cities and boroughs, and surely as much indulgence might be reasonably expected towards large provinces, the inhabitants of which have been born and grown

up under the modes and customs of a subordinate jurisdiction. But in a case of necessity, the good of the whole requires, that not only private interests, but private passions, should give way to the public. But all this will not convince me of the reasonableness of imposing heavy taxes on the colonists, while their trade and commerce are every day more than ever restricted. Much less will it follow, that the colonists are, in fact, represented in the house of commons. Should the British empire one day be extended round the whole world, would it be reasonable that all mankind should have their concerns managed by the electors of old Sarum, and the "occupants of the Cornish barns and ale-houses," we sometimes read of? We who are in the colonies, are by common law, and by act of parliament, declared entitled to all the privileges of the subjects within the realm. Yet we are heavily taxed, without being, in fact, represented.---In all trials here relating to the revenue, the admiralty courts have jurisdiction given them, and the subject may, at the pleasure of the informer, be deprived of a trial by his peers. To do as one would
be

be done by, is a divine rule. Remember Britons, when you shall be taxed without your consent, and tried without a jury, and have an army quartered in private families, you will have little to hope or to fear! But I must not lose sight of my man, who sagaciously asks "if the colonists are English when they solicit protection, but not Englishmen when taxes are required to enable *this country* to protect them?" I ask in my turn, when did the colonies solicit for protection? They have had no occasion to solicit for protection since the happy accession of our gracious Sovereign's illustrious family to the British diadem. His Majesty, the father of all his people, protects all his loyal subjects of every complexion and language, without any particular solicitation. But before the ever memorable revolution, the Northern Colonists were so far from receiving protection from Britain, that every thing was done from the throne to the footstool, to cramp, betray, and ruin them: yet against the combined power of France, Indian savages, and the corrupt administration of those times, they carried on their settlements,

and under a mild government for these eighty years past, have made them the wonder and envy of the world.

These colonies may, if truly understood, be one day the last resource, and best barrier of Great Britain herself. Be that as it may, sure I am that the colonists never in any reign received protection but from the king and parliament. From most others they had nothing to ask, but every thing to fear. Fellow subjects in every age, have been the temporal and spiritual persecutors of fellow subjects. The Creoles follow the example of some politicians, and ever employ a negroe to whip negroes. As to "that country," and "protection from that country," what can Mr. J----s mean? I ever thought the territories of the same prince made one country. But if, according to Mr. J----s, Great Britain is a distinct country from the British colonies, what is that *country* in nature more than this country? The same sun warms the people of Great Britain and us; the same summer cheers, and the same winter chills.

Mr. J----s says, "the liberty of an Englishman is a phrase of so various a signification,

tion, having, within these few years, been used as synonymous terms for *blasphemy*, *bawdy*, *treason*, *libels*, *strong beer*, and *cyder*, that he shall not here presume to define its meaning." I commend his prudence in avoiding the definition of *English Liberty*; he has no idea of the thing.

But your lordship may, if you please, look back to the most infamous times of the Stuarts, ransack the history of all their reigns, examine the conduct of every debauchee who counted for one in that parliament, which Sidney says, "drunk or sober," passed the five mile act, and you will not find any expressions equal in absurdity to those of Mr. J----s. He sagely affirms, "that there can be no pretence to plead any exemption from parliamentary authority." I know of no man in America who understands himself, that ever pleaded or pretended any such exemption. I think it our greatest happiness in the true and genuine sense of law and the constitution, to be subject to, and controulable by, parliamentary authority. But Mr. J----s will scribble about "*our American colonies*." Whose colonies can the creature mean?

The

The minister's colonies? No surely. Whose then, his own? I never heard he had any colonies. *Nec gladio nec arcu, nec astu vicerunt.* He must mean his Majesty's American colonies. His Majesty's colonies they are, and I hope and trust ever will be; and that the true native inhabitants, as they ever have been, will continue to be, his Majesty's most dutiful and loyal subjects. Every garetteer, from the environs of Grub-street, to the purlieus of St. James's, has lately talked of *his* and *my* and *our* colonies, and of the *rascally colonists*, and of *yokeing* and *curbing* the *cattle*, as they are by some politely called, at "this present now and very nascent crisis." *

I cannot see why the American peasants may not with as much propriety speak of their cities of London and Westminster, of their isles, of Britain, Ireland, Jersey, Guernsey, Sark, and the Orcades, and of the "rivulets and runlets thereof," † and consider them all but as appendages to their sheep-cots and goose-pens. But land is land,

* Pownall's Administration of the Colonies. Second Edition.

† Terms used in our obsolete charters.

and men should be men. The property of the former God hath given to the possessor. These are *sui juris*, or slaves and vassals; there neither is nor can be any medium. Mr. J----s would do well once in his life to reflect that were it not for *our* American colonies, he might at this "present crisis," been but the driver of a baggage cart, on a crusade to the holy sepulchre, or sketching caracatura's, while the brave were bleeding and dying for their country. He gives us three or four sophistical arguments, to prove that "no taxes can be exactly equal." "If not exactly equal on all, then not just." "Therefore no taxes at all can be justly imposed." This is arch. But who before ever dreamt that no taxes could be imposed, because a mathematical exactness or inequality is impracticable.

Having in his odd way, and very confused method considered the right and authority of parliament to tax the colonies, which he takes for granted instead of proving; he proceeds to shew the expediency of taking the present crisis by the fore top, and proceeding in the present manner, lest it should run away. As to *the* "*nascent* crisis, or
present

present tense," it is as good a tense as any in grammar. And misers and politicians will, for their purposes, ever think it the best. If we must be taxed without our consent, and are able to pay the national debt, it is our duty to pay it, which some take for granted; why then I agree we had better pay it off at once, and have done with it. For this purpose, the "present identic very now, is better than any other now, or crisis, begotten, or about to be begotten; nascent, or about to be nascent; born or unborn." * If Mr. J----s pleases, it shall be the great *Æra*, or *TO NUN*, of the colony administratrix.

Ultima cummæi venit jam carminis ætas.

-----*Nascitar Crisis.*

But as to the manner and reasons, it may not be amiss to offer a word or two. He asks with the *pathos* of a stage itinerant, if "any time can be more proper to require some assistance from *our* colonies, to preserve to themselves their present safety, than when *this country* is almost *undone* by pro-

* P—n—n Parody.

curing

curing it." That that *country*, as he calls it, is almost undone, I shall not dispute; especially after I have the sagacious Mr. J----s's opinion to the same purpose. But he shows his ignorance, weakness, and wickedness, who imputes so tremendous an impending evil to procuring safety for the colonies. The colonies never cost Britain any thing till the last war. Even now, if an impartial account was stated, without allowing one penny for the increase of European trade since the discovery of America, or for the employment yielded by the colonists to millions in Britain who perhaps might otherwise starve, the neat revenue that has accrued by means of "*our American colonies*" alone, would amount to five times the sum the crown ever expended for their settlement, protection, and defence, from the reign of queen Elizabeth to this day. In this calculate the whole expence of the last war is included, and supposed intirely chargeable to America, according to the visionary theorems of the Administrator, and Regulator. † I should think, however that some small part of the national

† Administration and Regulations of the colonies.

debt might be justly charged to the “procuring the present safety of Hanover, and other parts of high and low Dutchland.” But, waving this, if it were all to be charged to America, the hundred and forty-nine millions were well laid out, and much better than any sum from the time of Julius Cæsar, to the glorious revolution, the “nascent” æra of British liberty, glory, and grandeur. It was for the very being of Britain, as a great maritime, commercial, and powerful, state; none of which would she long be, without the assistance of her colonies. It requires no penetration to foresee that should she lose these, which God forbid, she would in a few years, fall a sacrifice to France, or some other despotic power on the continent of Europe. The national debt is confessed on all hands, to be a terrible evil, and may, in time, ruin the state. But it should be remembered, that the colonists never occasioned its increase, nor ever reaped any of the sweet fruits of involving the finest kingdom in the world, in the sad calamity of an enormous overgrown mortgage to state and stock jobbers. No places nor pensions, of thousands and tens of thousands

sands sterling, have been laid out to purchase the votes and influence of the colonists. They have gone on with their settlements in spite of the most horrid difficulties and dangers ; they have ever supported, to the utmost of their ability, his majesty's provincial government over them, and, I believe are, to a man, and ever will be, ready to make grants for so valuable a purpose. But we cannot see the equity of our being obliged to pay off a score that has been much enhanced by bribes and pensions, to keep those to their duty who ought to have been bound by honour and conscience. We have ever been from principle, attached to his majesty, and his illustrious house. We never asked any pay : the heart-felt satisfaction of having served our king and country, has been always enough for us. I cannot see why it would not be well enough to go a nabob hunting on this occasion. Why should not the great Mogul be obliged to contribute towards, if not to pay, the national debt, as some have proposed ? He is a Pagan, an East Indian, and of a dark complexion, which are full as good reasons for laying

him under contribution, as any I have found abroad in the pamphlets and coffee-house conferences, for taxing the colonists. There are, doubtless, good reasons to be assigned, or it would not be done, by my superiors; but I confess I cannot reach them, nor has Mr. J-----s afforded me the least assistance in this matter. Necessity, say the coffee-house politicians has no law. Then say I, apply the *sponge* at once! A few jobbers had better be left to hang and drown themselves, as was the case after the South Sea bubble, and a few small politicians had better be sent after them, than the nation be undone. This would, in the end, turn out infinitely more beneficial to the whole, than imposing taxes on such as have not the means of paying them. In the way revenue has been sometimes managed, the universe, would not long set bounds to the rapid increase of the national debt. If places, pensions, and dependencies shall be ever increased in proportion to new resources, instead of carefully applying such resources to the clearing off former incumbrances, the game may be truly infinite. I remember that the great duke of Sully, on

a revision of the state of his master's finances, found that of one hundred and thirty millions annually extorted from the poor people, but thirty millions of those livres centred in his majesty's coffers. He proceeded in a manner worthy himself. Happily for Britain, the papists ruined France and their own cause, by the villainous assassination of one of the greatest, wisest, and best princes, that ever lived. Of course the power and influence of the best minister beyond all comparison, that ever existed, fell with his sovereign. He only lived to explain to France what she might have been. She has ever since been toiling to regain the lost opportunity: God be thanked, it is yet in vain, and if Britain pleases, ever will be.

Mr. J----s asks, if "any time can be more proper to impose taxes on their *trade*, than when they are enabled to rival us in our manufactures, by the encouragement and protection *we* have given them?" Who are WE? It is a miracle he had not affirmed, that the colonies rival Great Britain in trade also. His not asserting this, is the only glimmering of modesty or regard to truth,

discoverable through his notable performance. As the colonists are British subjects, and confessedly on all hands entitled to the same rights and privileges, with the subjects born within the realm, I challenge Mr. J---s or any one else to give even the colour of a conclusive reason, why the colonists are not entitled to the same means and methods of obtaining a living with their fellow-subjects in the islands.

Can any one tell me why trade, commerce, arts, sciences and manufactures, should not be as free for an American as for an European? Is there any thing in the laws of nature and nations, any thing in the nature of our allegiance that forbids a colonist to push the manufacture of iron much beyond the making a horse-shoe or a hob nail? We have indeed "files for our mattocks, and for our coulter, and for our forks, and for our axes, to sharpen our goads," and to break our teeth; but they are of the manufacture of Europe: I never heard of one made here. Neither the refinements of Montesquieu, nor the imitations of the servile Frenchified half thinking mortals, who are so fond of quoting him,

him, to prove, that it is a law of Europe, to confine the trade and manufactures to the mother state, "to prohibit the colonists erecting manufactories," and "to *interdict* all commerce between them and other countries," will pass with me for any evidence of the rectitude of this custom and procedure. The *Administrator* has worked these principles up to "fundamental maxims of police at this crisis." The *Regulator* hath followed him, and given broad hints that all kinds of American manufactures will not only be discountenanced, but even prohibited, as fast as they are found to interfere with those of Britain. That is, in plain English, we shall do nothing that they can do for us. This is kind!-----And what they cannot do for us, we are permitted to do for ourselves. Generous!-----However, I can never hear American manufactures seriously talked of, without being disposed to a violent fit of laughter. My contempt is inexpressible, when I perceive statesmen at home amusing the mob they affect to despise, with the imminent danger, from American manufactories.

Mr.

Mr. J----s complains that the plantation governors have broke all their instructions to procure a handsome subsistence, and betrayed the rights of their sovereign." Traitors, villains! Who are they? I never before heard of any such governors. I have had the honour to be acquainted with not a few governors, and firmly believe they would in general sooner break their own necks than their instructions. If Mr. J---s has discovered such a knot of traitors and betrayers of their sovereign's rights, as he represents the plantation governors to be "they one and all," * for he makes no discrimination, it is his duty to give the proper information that they may be brought to condign punishment, and he himself stand unimpeached for misprision of treason. I promise him aid enough in most provinces to apprehend and secure such atrocious offenders as the betrayers of the rights of the best of kings. He may also rest assured, there is no colony but what would rejoice in seeing its governor rewarded according to his works, and duly exalted or depressed as he may deserve. But this man

* P—n!—n.

cannot,

cannot, by any figure in any logic or rhetoric, but his own, justify the position that the colonists ought to suffer for the perfidy and treachery of such governors as he says have betrayed the rights of their sovereign. That the colonies have eventually suffered, and may again, by the faults of some governors is not impossible. But punishing the colonists in their stead, would be a sample of justice like that of hanging the weaver for the cobbler, according to Butler.

The reverend, honorable and grave, our American judges, are also lugged in head and shoulders, and scandalously abused by Mr. J----s. He has the audacity even to flout and sneer at those who wear long robes and full bottomed wigs, instead of greasy hats, shaggy hair, and ragged coats, as the manner of some yet is. He has the impudence to mention "costly perriwigs and robes of expensive scarlet," "as marks of the legal abilities of the American judges." What an ungentleman-like insinuation is this? as if he apprehended them to be destitute of all other law-like qualifications. What a reflection is this on those who

E

appoint

appoint American judges? They are chosen by the people no where but at Rhode Island or Connecticut. There they never expect any salaries. Their judges have been in general men of fortune, honour, integrity and ability, who have been willing to give a portion of their time to the public. For the judges in other colonies, the people are not answerable; if they are any of them weak or wicked, it is a fore calamity on the people, and needs no aggravation.---He says the judges are "so dependent on the humors of the assemblies, that they can obtain a livelihood no longer than *quamdiu se male gesserint*." This makes the judges as bad as the governors, who for a morsel of bread, or a mess of pottage, he makes mercenary enough to "betray the rights of their sovereign." I would have Mr. J---s, for his own sake, a little more careful of his treatment of American judges. I once knew an American chief justice take it into serious consideration, and consult the attorney-general of the province where he lived, whether his late majesty's attorney and solicitor-general had not been guilty of a libel upon his court,

in

in stating a favourite case before the king and counsel, in a manner that bore a little hard upon the provincial judicatory. I would also ask good Mr. J---s if he certainly knows that any of our plantation governors and judges have lately complained home, that they cannot get a "livelihood" in America, but by *breaking* their instructions and oaths, and basely "betraying the rights of their sovereign?" Dare any of them openly avow such a complaint on either side the atlantic? If any of them have given such reasons, among others, in a sedulous application to the ministry, that America should have heavy duties and taxes imposed, let them come forth and declare it, and they will soon receive their reward. If there have been any complaints of this kind, to my great consolation, the authors are like to be sadly disappointed: for I cannot find my intention of applying any part of the new American revenue to the discharge of the provincial civil list. The present palliative indeed seems to be the appointing a number of influential Americans to be STAMP masters; but I suspect this will be but a temporary provision,

vision, and as a kind of reward to some who may have been but *too active* in bringing about the measure. When the present set shall die off, or be suspended, there can be no objection to the appointment of Europeans, as I wish it had been at first. Here I must make a general reflection that will not affect the good, the just, and the worthy, all others are at liberty to apply it to themselves. In many years experience in American affairs, I have found that those few of my more immediate countrymen the colonists, who have been lucky enough to obtain appointments from home, have been either gentlemen of true American quality, or of no quality or ability at all. The former have generally the pride of a Spaniard without his virtue, the latter are often as ignorant and impudent as the Scotch writers of the Critical Review.--- Hence 'tis easy to see the colonists, as they ever have been, would be in *general* better treated, less subjected to the insolence of office from Europeans, than from colonists. I will go one step further, and venture to affirm, that if we look carefully into the history of these provinces, we shall find
that

that in every grievance, every hardship in the restriction of our trade and commerce, some high or low dirty American has had a hand in procuring it for us.

The main object of the American revenue, according to Mr. J---s, the *Administrator*, the *Regulator* and others, seems to be for the maintenance of a standing army here. For what? To protect and defend us, poor souls. Against whom? Why a few ragged Indians, thousands and ten thousands of whose fathers, without any European aid, when we most wanted it, were sent to the infernal shades. But "filial duty," the moral Mr. J---s thinks will "require that we give some assistance to the distresses of our mother country." Dear mother, sweet mother, honored mother-country, I am her most dutiful son, and humble servant! But what better assistance can be given to madam, than by yielding, as her American sons have, for more than a century, subsistence for half Britain? Take my word for once, my lord, every inhabitant in America maintains at least two lazy fellows in ease, idleness, or luxury, in mother Britain's lap. We have nothing we can
call

call our own, but the toil of our hands and the sweat of our brows. Every dollar that is exported hence to lodge in madam's great pocket, returns no more to us, *facilis descensus Averni*. The coarsest coat of the meanest American peasant, in reality contributes towards every branch of our gracious and ever adored sovereign's revenue. The consumer ultimately pays the tax, and 'tis confessed on all hands, and is the truth, that America, in fact or eventually, consumes one half the manufactures of Britain. The time is hastening when this fair daughter will be able, if well treated, to purchase and pay for all the manufactures her mother will be able to supply. She wants no gifts, she will buy them, and that at her mother's own price, if let alone. That I may not appear too paradoxical, I affirm, and that on the best information, the Sun rises and sets every day in the sight of five millions of his majesty's American subjects, white, brown and black. I am positive I am within bounds, let the *Administrator* and *Regulator* compute as they please in their rapid flight thro' our western hemisphere. The period is not very remote when

when these may be increased to an hundred millions. Five millions of as true and loyal ✓ subjects as ever existed, with their good affections to the best civil constitution in the world, descending to unborn miriads, is no small object. God grant it may be well attended to! Had I the honor to be minister to the first, the best monarch in the universe, and trustee for the bravest people, except perhaps one, that ever existed, I might reason in this manner, "the Roman Eagle is dead, the British Lion lives! strange revolutions! the savage roving Britons who fled before Julius Cæsar, who were vanquished by his successors *Hengist* and *Horfa*, who cut the throats of the *Lurdanes*, and fell under the Norman bondage, are after all the masters of the sea, the lords of the ocean, the terror of Europe, and the envy of the universe! can Britain rise higher? Yes, how? Never think yourself in your zenith, and you will rise fast enough. Revolutions have been; they may be again; nay, in the course of time they must be. Provinces have not been ever kept in subjection. What then is to be done? Why it is of little

little importance to my master, whether a thousand years hence, the colonies remain dependant on Britain or not; my business is to fall on the only means to keep them ours for the longest term possible. How can that be done? Why in one word, it must be by nourishing and cherishing them as the apple of your eye. All history will prove that provinces have never been disposed to independency, while well treated. Well treated then they shall be." To return, the colonists pride themselves in the real riches and glory their labours procure for the best of kings: liberty is all they desire to retain for themselves and posterity.

I could wish my lord, that the colonists were able to yield ten times the aids for the support of the common cause ever yet granted by, or required of, them. But to pay heavy provincial taxes in peace and in war, and also *external* and *internal* parliamentary *assessments*, is absolutely out of the people's power. The burden of the *stamp* act will certainly fall chiefly on the middling, more necessitous, and labouring people. The widow, the orphan, and others, who have few on earth to help, or even pity them,

them, must pay heavily to this tax. An instance or two will give some idea of the weight of this imposition. A ream of printed bail bonds is now sold for about fifteen shillings sterling; with the stamps, the same quantity will, I am told, amount to near one hundred pounds sterling. A ream of printed policies of assurance, is now about two pounds sterling; with the stamps it will be one hundred and ninety pounds sterling. Many other articles in common use here, are in the same proportion. The fees in the probate offices, with the addition of the stamps, will, in most provinces, be three times what has been hitherto paid. Surely these, and many other considerations that must be obvious to all who are versed in the course of American business, are far from being any evidence of the boasted equality and equity, of this kind of taxation. I do not mean to insinuate that there is, or hath been, any thing intentionally wrong, in the views of administration; far from it, I detest the thought. I am convinced that every Englishman, as 'tis his interest, really wishes and means well to the colonies, and I shall ever have full con-

fidence in the wisdom and rectitude of
 the present truly British administration.
 But I have a very contemptible opinion of
 divers vile informers and informations, that
 have been transported and re-transported,
 within these seven years. I know some of
 the former to be most infamous fellows,
 and not a few of the latter to be most in-
 fernal falsehoods. How many low and in-
 significant persons, have, on their landing
 in Britain, been instantaneously metamor-
 phosed into wise politicians, or suddenly
 transformed into hugely sage *connoisseurs*,
 in the *administration* of the colonies at this
 crisis? Some have had the assurance on
 their return to assert, that they were per-
 mitted to attend, and even frequent, lord
 Greenlaurel's levy, and dine with duke
 Humphry? *Credat Judeus Appella*. Two
 hopeful young brother surgeons, who lately
 went over, wrote to their friends, that they
 had laid aside all thoughts of going into an
 ordinary hospital of invalids, having had
 overtures from the Critical Reviewers, to
 assist them in a new project of theirs, for
 dissecting the colonies and all writers in
 their favour. An apothecary, a quack,
 and

and a fortune-hunter, not long since arrived, say they were closetted by this, and that, and t'other, great man, who made most marvellous shrewd enquiries concerning the luxurious taste of our cods, crabs, muscles, eels, and smelts. They even add, that as a reward for their important discoveries and informations, in the nature of American shrimps and serpents, they are to be admitted members of the society for the encouragement of arts, &c. One swears he has obtained ample promises of high preferment, so soon as ever the *finance très grande toute nouvelle et admirable* shall receive its long predicted completion in America. Another says, he is to be farmer general of a tax of his own projecting, on all colony gold finders. A third says, he shall accept of nothing less than the place of *Intendant extraordinaire* of the much expected duty on all North American manufactured mouse traps, he having given the first hint.---But be these things as they may: this however, is certain, that a set of fribbling people, and some others in the colonies, who are become to the last degree, detestable to all true Americans, affect to use their sage advice, and surprising

influence, in order to conciliate good and worthy men to measures, which if ever so just and salutary, these contemptible persons would bring into disgrace.

Mr. J----s says, "imposing taxes on *our* colonies has been called harsh and arbitrary." By whom? I never heard one man of sense and knowledge, in the laws and British constitution, call the parliamentary authority arbitrary. The power and authority of parliament is not to be questioned. Nay, after all the bustle, the authority of that august body really never has been questioned by one of the colony writers, when duly attended to. The mode of exercising this authority, and the manner of proceeding, may in some instances have been thought a little hard and grievous, and may be again, notwithstanding what Mr. J----s has said. He objects to the assertion of some, that "it would have seemed less hard if the administration or the parliament had been pleased to settle the respective *quota* of each colony, and left it to each one to assess the inhabitants, as easily to themselves as might be, on penalty of being taxed by parliament in case of any unreasonable non-

com-

compliance with the just requisitions of the crown, of which the parliament is, and must, in the nature of things, be the final judge."---Mr. J---s asks, " what would have been the consequence of this ?" I answer, neither he nor I can tell. It will be time enough to answer this when the experiment is made; but I believe there would have been found a chearful compliance on the part of the colonies, and that they would exert their utmost abilities. He most insolently asks if the " assemblies have shewn so much obedience to the orders of the crown, that we could reasonably expect they would tax themselves on the arbitrary commands of a minister ?" I hope he holds the proper difference between the lawful commands of our sovereign, the just orders of the crown, and " the arbitrary commands of a minister," though he has so strangely tacked them together ? 'Tis our indispenfible duty to yield every aid in our power to our gracious prince, and to the state, and to obey the just orders of the crown : but the arbitrary commands of a minister, are no more obligatory, than the bulls of the pope. However,

ever, I have seen the time when the flower of our youth have been annually impressed and dragged forth by thousands and tens of thousands, to certain misery and want, if not death and destruction. I have also seen immense provincial taxes levied, and all these things effected, by a (no English) speech of a governor, the military mandate of a general, or, if possible, the more haughty dictate of a minister. What have we got by all our compliances? Precisely what by many wise and good men, was foreseen and foretold, we should get. Canada is conquered, the colony trade is more than ever restricted, we are taxed without our *actual* consent in person, or any representation *in fact*, and in many instances are to be tried without a jury. The remains of those tribes of savages, the French used to keep in pay, to scalp us, and cut our throats, are, in the estimation of some great men, more respectable than his majesty's ancient, and ever loyal colonists.

Mr. J----s asks if it would be "possible to settle the quota's of an American tax with justice?" Why not? The whole used to be commensurate with all the parts.

Is

Is it not nearly as easy to say what each part ought to pay, as to determine what ought to be paid by the whole? The gentleman will not insinuate that administration can ever act so preposterous a part, as to guess what the whole should pay, as must be the case, if ignorant of the ability of each part. He also asks, if “any one of the colonies would submit to their quota, if ever so just?” What doubt can there be of the loyalty and submission, passive obedience, and non-resistance, of the colonies, in all cases and contingences, so far as the laws of God, of nature, and of their country require? I have none. Is not the obligation to submission the same in one case as in the other? If an act of parliament says *A* shall pay ten shillings, and *B* ten shillings, would any man in his right mind say it was less binding, than if *A* and *B* were by the same authority ordered conjointly to pay twenty. His odious comparison of “the Roman tyrants,” is left with its author, with this single remark: that “the choice of a dose, a dagger, or a halter is most certainly preferable to the sudden obtrusion of either singly, without time allowed to say a
short

short *pater noster*." The gentleman has made himself quite merry with the modest proposal some have made, though I find it generally much disliked in the colonies, and thought impracticable, namely---an *American representation in parliament*. But if he is now sober, I would humbly ask him, if there be really and naturally any greater absurdity in this plan, than in a Welsh and Scotch representation? I would by no means, at any time, be understood to intend by an American representation, the return of half a score ignorant, worthless persons, who like some colony agents, might be induced to sell their country and their God, for a golden calf. An American representation, in my sense of the terms, and as I ever used them, implies a thorough beneficial union of these colonies to the realm, or mother country, so that all the parts of the empire may be compacted and consolidated, and the constitution flourish with new vigor, and the national strength, power and importance, shine with far greater splendor than ever yet hath been seen by the sons of men. An American representation
implies

implies every real advantage to the subject abroad, as well as at home.

It may be a problem what state will be of longest duration, greatest glory, and domestic happiness. I am not at leisure fully to consider this question at present. Time shall show. I can now only say, it will be that state, which, like Great-Britain, Heaven shall have favoured with every conceivable advantage, and gave it wisdom and integrity enough to see and embrace an opportunity, which once lost, can never be regained. Every mountain must be removed, and every path be made smooth and strait. Every region, nation and people, must to all real intents and purposes, be united, knit, and worked into the very bones and blood of the original system, as fast as subdued, settled or allied. Party views and short sighted politicians, should be discarded with the ignominy and contempt they deserve.

Mr. J-----s seems to be seized with an immense pannic lest "a sudden importation of American eloquence" should interfere with those who are fond of monopolizing the place and pension *business*. He

G

even

even insinuates that it would cost more to pay our orators, than a standing army *here*. I will ease him of this difficulty. There would not be many worth the high prices of Britain. When trimmers, time servers, scepticks, cock fighters, architects, fiddlers and castle builders, who commonly sell cheap, were bought off, there might not be more than three or four worth purchasing; and if they should sell as cheap in Britain as I have known some of them in America, it would fall infinitely short of the blood and treasure a standing army may one day cost. From any danger therefore Mr. J---s is in, from "the sudden importation of American eloquence," he may speechify and scribble for or against administration, abuse the colonies, turn and return, shift, wind and change as usual, no man will trust him, and 'tis hoped that in *secula seculorum* by the eternal fitness of things, and the construction of the cells of his *cerebellum*, and moral aptitude, he will be kept down just where he is and ought to be. He seems to have no idea of revenue, but that of drawing money into the public coffers, *per fas aut nefas*, meerly to squander away

ad

ad libitum. Riches returning from the four winds of the earth in heavier showers than the poets ever dreamt of, into the pockets of the worthy and opulent British merchant will, according to him, give a griping minister too much trouble before he has extracted and “squeezed it out again by various domestic taxes.” His own words! “Perhaps” says he “in the mean time, it may enable the merchant, by augmenting his influence, together with his wealth, to plunge us into new wars and new debts; for his private advantage.” By this ’tis plain Mr. J---s’s plan is to stop the rivulets, and leave the cistern dry. Do you not see this, British colonists, British merchants, and British manufacturers? Consider this, before it is too late! it is the sum total of Mr. J---s’s political logic and arithmetic! It is too absurd to require a more particular refutation. He concludes, *ad captandum*, both the great and small vulgar, thus; “it is”, says he, “to be hoped, that in this great and important question, all parties and factions, or in the more polite and fashionable term, all connections will cordially unite; that every member of the

British parliament, whether in or out of humour with the administration, whether he has been turned out because he opposed, or whether he opposed because he has been turned out, will endeavour to the utmost of his power to support this measure. A measure which must not only be approved by every man who has any property or common sense, but which ought to be required by every *English* subject of an *English administration*."---I thought all subjects were now British, and the administration too. I cannot tell whether the *exhorter* was ever "turned out because he opposed, or opposed because he was turned out;" but certainly among other species of readers, he has omitted to address himself to the hopeful young men and promising candidates for preferment, who have as it were perished in *embrio*, by discovering too great an insolence and avidity of power, by assuming the advowson, nomination and induction of their fellow servants, before they themselves have been taken into place.

My Lord, we have heard much said of a *virtual representation*. What can it mean? If a society of a thousand men are united
from

from a state of nature, and all meet to transact the business of the society they are on a perfect level and equality, and the majority must conclude the minority. If they find themselves too numerous to transact their business, they have a right to devolve the care of their concerns on a part of the society to act for the whole. Here commences the first idea of an *actual* trust or representation in *fact*. The trustees council or senate, so chosen are in fact representatives of and agents for the whole society. If the society agree to have but one trustee, representative or agent, he is a *monarch*. If they make choice of a council or senate, they are joint agents, trustees or representatives of the whole community. Upon so simple a principle are all governments originally built. When a man chuses to act for himself he has no representative, agent or trustee. When the individuals of a community chose to take care of their own concerns, they are in no wise represented; but being their own factors in person, form that society which the learned wrangle about under the name of a *democracy*. When two or more are appointed joint factors,

factors, agents for, trustees and representatives of, the whole society, they are called noble, and politicians denominate this form an *aristocracy*. When the trust is as above observed devolved on one, it is called a *monarchy*, i. e. one great or chief man is in fact trustee, representative of, and agent for the whole state. And he has a right to act for them so long as he may be chosen to act by the society. Which society being originally the constituents of their agent or representative, have an absolute right and power to lay him under such limitations and restrictions as they may think reasonable. In all this we find no mystery, no occasion for occult qualities, no want of the terms *virtual representation* as distinguished from a *representation in fact*, or any other jargon. If the society find each of the simple forms of administration inconvenient or dangerous, as they all are, and agree on a *mixture* of those simple forms, as it is commonly expressed, but in plainer English, to have different divisions, ranks and orders of trustees or representatives, they proceed thus. When they chuse a monarch or senate, they entrust him or them

them with the necessary powers of government, to act for the good and welfare of the whole society. So in a government constructed like that of Great-Britain, the society hath made two divisions of the supreme power: the first is the *supreme legislative*, consisting of three ranks or branches, viz, King, lords and commons. The *supreme executive*, which is solely monarchical, and admits of no division or different ranks. Both these divisions, and all the ranks of the former, derive their power originally from the whole community. This at least is all the idea a philosopher can form. As to the *jus divinum*, the indefeasible inheritance, the indelible character, and other nonsense of the schools, they are only for the entertainment of old women, and changelings.----The king's share in the legislative and executive trusts by the British constitution is perpetual, and his royal dignity is hereditary. So are the titles of the house of Lords. The honorable house of Commons, the third rank or branch of our universal legislative, are elective, and the *deliciæ populi*. God grant they may be always viewed in this light. These several
branches

branches and divisions are all subject to further alterations, limitations and restrictions from time to time. In the original idea and frame of our happy constitution, it was immaterial as to the succession to the crown, whether the heir apparent, were Pagan, Turk, Jew, Infidel or Christian. But now Papists, and all but Protestants, are very justly excluded from the succession, as for the best reasons they are from a seat in either house of the august parliament of Great-Britain.---The number of the two houses of parliament, is not by nature nor by any thing I can discover in the British constitution, definite. The families of the peers may be extinct. The constitution, has on such events left it to the crown to supply the vacancies by new families and new creations. And as reason requires, when places have grown to be considerable, they have been called to a share in the legislature of their country by a precept to return members to the great council of the nation. So when a territory hath been conquered, as was the case of Wales, or united, as was the kingdom of Scotland, they have had their full share in
the

the *legislative*. The wisdom of ages hath left Ireland to be governed by its own parliaments, and the colonies by their own assemblies, both however, subordinate to Great-Britain, and subject to the negative of both the supreme legislative and supreme executive powers there*. Is not this a sufficient subordination? The fears of our independency must be affected or imaginary. We all acknowledge ourselves to be not only controulable by his majesty's negative on all our acts, but more especially so by that august, and by all true British subjects, ever to be dearly esteemed and highly revered body, that high court the parliament of Great-Britain. In all this, however, we find nothing of *virtual representation*.

The parliament of 1st of James 1st, "upon the knees of their hearts (as they express it) agnize their most constant faith, obedience and loyalty to his majesty and his royal progeny, as in that high court of

* The charters generally reserve to the crown a negative on all colony laws. The parliament repeal such as they think fit. So that a colony bill is in effect subject to four negatives, viz. the governor and council here, and his majesty in his privy council at home, and after all the parliament.

parliament, where all the whole body of the realm, and every particular member thereof either in person or by representation upon their own free elections, are by the laws of this realm, deemed to be personally present." But as much prone as those times were to mystick divinity, school philosophy, academick politicks, and other nonsense, they say not a word of the *virtual representation* of Ireland or the other dominions. There can be no doubt but the supreme legislature may if they please unite any subordinate dominion to the realm. It has not been yet asserted that the colonists are in *fact represented* in the house of commons, nor I believe will any man seriously affirm it. The truth is, the colonists are no more represented in the house of Commons than in the house of Lords. The king in his executive capacity, in *fact* as well as *law*, represents all his kingdoms and dominions: and king, lords and commons, conjointly, as the supreme legislature, in *fact* as well as in *law*, represent and act for the realm, and all the dominions, if they please. It will not follow from thence, that if all subordinate legislature and privileges

leges are reassumed, without any equivalent allowed, but it will be a case of very singular hardship.* The inhabitants of the British nations, and of the dominions of the British crown, in Europe, Asia, Africa and America, are in my idea but one people, fellow subjects of the most gracious sovereign on earth, joint heirs to the rights and privileges of the best civil constitution in the world, and who I hope e'er long to see *united* in the most firm support of their Prince's true glory, and in a steady and uniform pursuit of their own welfare and happiness.

It may perhaps sound strangely to some, but it is in my most humble opinion as good *law*, and as good *sense* too, to affirm that all the plebeians of Great-Britain are in fact or virtually represented in the assembly of the Tuskarora's, as that all the colonists are in fact or virtually represented in the honourable house of Commons of Great-Britain, separately considered as one branch of the supreme and universal legislature of the whole empire.

* It is no where said in any act or resolution of parliament, nor in any law book, that the British house of Commons, in fact or in law, virtually, represent the colonists.

These considerations I hope will in due time have weight enough to induce your lordship to use your great influence for the repeal of the *Stamp Act*. I shall transmit your lordship, by the next mail, a simple, easy plan for perpetuating the British empire in all parts of the world. A plan however that cost me much thought before I had matured it. But for which I neither expect or desire any reward in this world, but the satisfaction of reflecting that I have contributed my mite to the service of my king and country. The good of mankind is my ultimate wish.

I am, my Lord,

Your Lordship's most obedient,

Boston, Sept.
4, 1765.

and most humble Servant,

F. A,

F I N I S.

Speedily will be Published,

In two Volumes, Octavo, Price 10s. Sewed,
or 12 s. Bound.

AN AUTHENTIC COLLECTION of the SPEECHES and DEBATES in the BRITISH HOUSE OF COMMONS, from the Year 1742, to the Peace of Aix la Chapelle, in 1748. In the Debates of this Period, are many important Motions arising from a Variety of Interesting Events, both Domestic and Foreign. Several material Changes in the Administration, were the Consequence of those Debates. As the Attention of Parliament was occasionally employed upon a long and expensive war, both with France and Spain, and the Suppression of an unnatural and intestine Rebellion; a moment's reflection will shew this to have been one of the most important Periods in our History. It is therefore to be regretted that these Debates have not been collated and digested before, and that so necessary a Work has been so long neglected; a Work so essentially useful to every Member of Parliament, and every lover of Constitutional History. These Debates, which are principally compiled from Authentic Notes taken in the House, are arranged partly upon the same Plan with Chandler's Collection, which is brought down to the Year 1742; but with such Improvements from the Journals, and other authentic Papers, as it is presumed, will render them worthy the Notice of every British Legislator.

LIKEWISE,

THE SECURITY OF ENGLISHMEN'S LIVES; or the TRUST, POWER, and DUTY, of the GRAND JURIES of ENGLAND, explained according to the Fundamentals of the English Government, and the Declarations of the same made in Parliament, by many Statutes. First printed in 1681.

Written by the Right Honourable JOHN LORD SOMERS, Baron of Evesham, and LORD HIGH CHANCELLOR OF ENGLAND.

This excellent Tract, has for many Years, been very scarce, although several times strongly recommended by the best writers on the English Constitution; and in particular by the learned and able Author of the *Letter upon Libels and Warrants, &c.* As that ingenious Work treats so fully and masterly on the Rights and Privileges of Petit and Special Juries; this admired Performance, on the Subject of Grand Juries, is thought to be its proper Companion; and will therefore be printed in the same Size, and sold at the same Price.

Both

Both printed for J. ALMON, opposite Burlington House, in Piccadilly. At whose shop is a large and choice COLLECTION of the most Valuable modern BOOKS; many of which are in very ELEGANT BINDING. Likewise the best of all Kinds of STATIONARY WARES; particularly the large and thick Dutch Writing Paper, and all other Sorts of Paper, Plain, and Gilt, fine Pens, right Dutch Wax, &c. &c.

* * All new Publications may constantly be had at the same Place.—Books neatly Bound, Bought, and Exchanged.

BOOKS printed for J. ALMON, in *Piccadilly*.

1. **T**HE Principles of a late Negotiation, impartially examined. In a Letter from a Son of CANDOR to the Public Advertiser. Price 1 s. 6 d.

2. A LETTER from CANDOR to the Public Advertiser, on some late interesting Trials, and other points of civil Liberty. Second Edit. Price 1 s.

3. A LETTER concerning Juries, Libels, Warrants, the Seizure of Papers, and Sureties for the Peace or Behaviour, with a View to some late Proceedings, and the Defence of them by the Majority, upon the principles of Law and the Constitution. Fifth Edit. Price only 1 s. 6 d.

4. A POSTSCRIPT to the same. Second Edit. Price 1 s.

5. The STATE of the Nation, with regard to its income, expenditure, and unfunded Debt. Fifth Edit. Price 1 s.

6. A new Edition of the BUDGET, being the Eleventh, will speedily be Published. Price 1 s.

7. The Rights of the Colonies, asserted and proved. By James Otis, Esq. of Boston, in New England. Second Edition. Price 2 s.

8. The TRIAL of Mr. WILLIAM OWEN (never before printed) Bookseller, near Temple-Bar, who was charged with the Publication of a Libel against the Government in 1751. The principal Speakers in this Trial, were, Sir Dudley Rider, afterwards the famous Chief Justice of that Name; Mr. William Murray, now Lord Mansfield; Mr. Ford; and Mr. Pratt, now Chief Justice of the Common Pleas.—Whose Speeches are all printed verbatim.—To which is prefixed, the remarkable Trial of JOHN PETER ZENGER, of New York, Printer, (which for some Time has been very scarce). With a Narrative of his Case, Price only 1 s. (Zenger's Trial alone, was formerly sold for 1 s. 6 d.)

9. A Defence of the Minority in the House of Commons, on the Question relating to General Warrants. Fifth Edit. Price 1 s.

10. A Counter Address to the Public on the Dismissal of General CONWAY. Fourth Edit. Price 1 s.